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9 UNITED STATES DISTRICT COURT  
10 CENTRAL DISTRICT OF CALIFORNIA-WESTERN DIVISION  
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15 DAVID ALLEN PROVOST, ) ED CV 12-01447 GAF (SH)  
16 )  
17 Plaintiff, ) ORDER TO SHOW CAUSE  
18 ) RE: DISMISSAL FOR FAILURE  
19 v. ) TO PROSECUTE  
20 )  
21 MICHAEL ASTRUE, Commissioner, )  
22 Social Security Administration, )  
23 Defendant. )  
24  
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26 By Order filed September 13, 2012, plaintiff was ordered to promptly to  
27 serve Summons and Complaint in the manner designated and to "file a proof of  
28 service within thirty (30) days of the date of this Order." As of the date of this  
Order, no such proof of service has been filed.

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1        **Plaintiff's counsel shall appear before Magistrate Judge Stephen J.**  
2 **Hillman at 10:00 a.m. on November 26, 2012, in Courtroom "550", on the**  
3 **fifth floor, 255 East Temple Street, Los Angeles, California, to show cause**  
4 **why this action should not be dismissed for violation of this Court's previous Order**  
5 **and for plaintiff's failure diligently to prosecute. See Rule 41(b), Fed.R.Civ.P. and**  
6 **Link v. Wabash Railroad Co., 370 U.S. 626, 629-30 (1962), reh'g denied, 371 U.S.**  
7 **873 (1962).**

8        **If plaintiff objects to such dismissal, plaintiff shall:**

9        **1. File and serve written objections to the dismissal with Points and**  
10 **Authorities no later than ten (10) days prior to the hearing date. Failure to file**  
11 **the said objections within the time specified will be deemed consent to the**  
12 **dismissal of this action as proposed herein; and**

13        **2. Appear in person on the hearing date above specified.**

14        **If there are no objections to the proposed dismissal, plaintiff shall so**  
15 **inform the Clerk in writing and plaintiff's appearance at the hearing will be**  
16 **excused.**


17        **If service is completed prior to the hearing date, the Clerk shall be so advised**  
18 **in writing and proof of service filed.**

19        **If proof of service of the Summons and Complaint is filed before the**  
20 **hearing date, the Order to Show Cause re Dismissal will be taken off calendar**  
21 **and plaintiff need not appear.**

22        **Please note that full compliance with Fed.R.Civ.P. 4(d)(4) and (5), including**  
23 **personal service on the United States Attorney's designee, is required in order to**  
24 **effect valid service upon the United States or any officer or agency thereof, if named**  
25 **as a defendant in this action.**

1 IT IS FURTHER ORDERED that the Clerk shall serve forthwith a copy of  
2 this Order by United States mail on any attorneys for all parties appearing in this  
3 action.

4 DATED: October 31, 2008

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8 STEPHEN J. HILLMAN  
9 UNITED STATES MAGISTRATE JUDGE  
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